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# **Notice of Allowability**

Application No.

10/788,814

Examiner

Sean P. Shechtman

Applicant(s)

SCHAPER ET AL.

Art Unit

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/17/07.
2. ☒ The allowed claim(s) is/are 71-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Drawings***

1. Objections withdrawn in light of the amendment.

### ***Claim Rejections - 35 USC § 112***

2. Rejections withdrawn in light of the amendment.

### ***Claim Rejections - 35 USC § 102***

3. Rejections withdrawn in light of the amendment.

### ***Claim Rejections - 35 USC § 103***

4. Rejections withdrawn in light of the amendment.

### ***Allowable Subject Matter***

5. Claims 71-90 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claim 71, none of Silvestri, Noonan, or Picklesimer, taken either alone or in obvious combination disclose a generator controller having all the claimed features of applicant's instant invention, specifically including: a memory accessible by the processor, the memory containing stored programming instructions operable by the processor to define an automatic mode of operation in which the processor operates to selectively start and stop the generator in accordance with stored parameters, and further to stop the generator upon receipt by the second input of a signal representative of an undesirable condition from at least one of the plurality of operating condition sources, the programming instructions further causing the processor to switch the controller to a manual mode of operation when the signal representative of an undesirable condition is received, whereby in the manual mode of operation the generator is

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operable under manual control, further whereby in the manual mode of operation the processor enables continued operation of the generator to produce the alternating electrical current even in the presence of the undesirable condition". Also, there is no motivation to combine Silvestri, Noonan, or Picklesimer to meet these limitations.

Referring to claim 79, none of Silvestri, Noonan, or Picklesimer, taken either alone or in obvious combination disclose a generator controller having all the claimed features of applicant's instant invention, specifically including: a control component in communication with the output and the first input, the control component having a manual mode and an automatic mode, the automatic mode being configured to automatically stop operation of the generator upon receipt of a first signal representative of an undesirable condition from at least one of a first subset of the plurality of operating condition sources, the control component further being configured to switch the operation of the controller from the automatic mode to the manual mode upon receipt of a second signal representative of an undesirable condition from at least one of a second subset of the plurality of operating condition sources, whereby in the manual mode the generator is operable under manual control even in the continued presence of the second signal representative of the undesirable condition." Also, there is no motivation to combine Silvestri, Noonan, or Picklesimer to meet these limitations.

Referring to claim 87, none of Silvestri, Noonan, or Picklesimer, taken either alone or in obvious combination disclose a generator controller having all the claimed features of applicant's instant invention, specifically including: "a second input operable by a user to enable the user to select one of a plurality of controller modes of operation, each of the controller modes of operation defining conditions under which the generator selectively operates to produce

electrical power; and a control component controlling the operation of the generator controller in accordance with the selected one of the plurality of controller modes of operation, the control component being in communication with the output and the first input, the control component having a manual mode and an automatic mode, the manual mode being configured to automatically inhibit operation of the generator if a signal representative of an undesirable condition is received from at least one of a first subset of the plurality of operating condition sources, the control component further being configured to switch to the manual mode when a signal representative of an undesirable condition is received from at least one of a second subset of the plurality of operating condition sources, whereby in the manual mode the generator is operable under manual control even in the continued presence of the signal representative of the undesirable condition from at least one of the second subset of the plurality of operating condition sources.” Also, there is no motivation to combine Silvestri, Noonan, or Picklesimer to meet these limitations.

It is for these reasons that applicant’s invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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PRIMARY EXAMINER  
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SPS

Sean P. Shechtman

October 28, 2007